



BRIGHT FROM THE START

Georgia Department of Early Care and Learning
2 Martin Luther King Jr. Drive, SE, Suite 754, East Tower, Atlanta, Georgia 30334
(404) 656-5957

Nathan Deal
GOVERNOR

Bobby Cagle, MSW
COMMISSIONER

February 8, 2012

CERTIFIED MAIL #7005 0390 0001 4248 9385

Saeid Sedghi
Registered Agent
Chief Executive Officer
Rose Garden Montessori School, Inc.
d/b/a Rose Garden Montessori School
9300 Waits Ferry Crossing
Duluth, Georgia 30097

REGULAR MAIL

Hazel Olivares
Director
Rose Garden Montessori School
3829 Roswell Road
Marietta, Georgia 30062

RE: Notice of Revocation

Dear Mr. Sedghi and Ms. Olivares:

Bright from the Start: Georgia Department of Early Care and Learning (Bright from the Start) has concluded an investigation regarding the sexual molestation of a six-year-old child while in care at Rose Garden Montessori School, located at 3829 Roswell Road, Marietta, Georgia, 30062. It was determined that serious rule violations occurred which seriously affected the health and safety of the children in care and demonstrated reckless disregard for the physical and mental health and safety of the children in care. Specifically, on August 8, 2011 a six-year-old child was inappropriately touched by an adult male present at the center who was on-site to provide karate lessons. The contractor was alone in the classroom with five children when the incident occurred. The independent contractor was arrested and charged with Sexual Battery. Staff reported the incident to Bright from the Start on October 20, 2011. The rule violations for which Bright from the Start: Georgia Department of Early Care and Learning is imposing an enforcement fine are attached hereto as Exhibit "A" and incorporated in this Notice by reference.

Based on the facility's noncompliance with the rules, the licensee is hereby notified that the license to operate the Child Care Learning Center is revoked. Bright from the Start's legal authority for revoking the license is found in O.C.G.A. Sec. 20-1A-12(b)(3)(5), 20-1A-12(c)(5), and 20-1A-10(q), and Bright from the Start's Rules for Child Care Learning Centers, Chapter 591-1-1 of the Official Compilation of the Rules and Regulations of the State of Georgia.

In accordance with O.C.G.A. Sec. 20-1A-10(o), this revocation becomes effective thirty (30) days from receipt of this Notice. You have the right to appeal the decision to revoke the license by filing a written request for an administrative hearing before an Administrative Law Judge with the Office of State Administrative Hearings. The request must be made in writing within ten (10) days of receipt of this Notice and addressed to:

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Mr. Sedghi
Ms. Olivares
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**J. Ashley Peacock
Chief Legal Officer
Bright from the Start
Georgia Department of Early Care and Learning
2 Martin Luther King Jr. Drive, SE, Suite 754, East Tower
Atlanta, Georgia 30334**

Please be advised that, if a hearing request is submitted, the program shall remain closed until the appeal decision is issued by the Office of State Administrative Hearings, since an Order of Intended Emergency Closure was issued by Bright from the Start on July 1, 2011, pursuant to O.C.G.A. Sec. 20-1A-13(c)(3).

If the licensee does not appeal this action within ten (10) days of receipt of this Notice, the decision to revoke the license will be final. Licensure staff will conduct a follow-up visit to verify closure.

Sincerely,



Kristie Lewis
Child Care Services Director

Attachments

cc: Kay Hellwig
J. Ashley Peacock
Brenda Haynesworth
Ira Sudman
Candy Prince
Vermisha Thompson
Mireille Emanuels
Sabrina Watson
Monica Warren
Jackie Shivers
Meggan Hemans-Reese
Sherry Smith
Janet Goggins
Nikiesha Neil
Dana Bond
State File

List of Rule Violations for:

Rose Garden Montessori School
3829 Roswell Road
Marietta, Georgia 30062

1. Rule 591-1-1.32(6) requires children to be supervised at all times.

During an incident investigation, it was determined that on August 8, 2011, center staff left five children alone with a karate instructor who was a contractor and not employed by the center. During the class, the karate instructor inappropriately touched a six-year-old child in care by cupping the child's vagina with his hands while the children were doing splits. The child disclosed to her parents, who notified law enforcement and the center. The center immediately cancelled the karate class and the instructor was not allowed back into the center. The contractor was subsequently charged with Sexual Battery.

The failure of the center staff to provide appropriate supervision and watchful oversight placed children at serious risk of harm.

2. Rule 591-1-1.31(5) requires that staff shall supervise all independent contractors, volunteers, chaperons and students in training whenever they are in the presence of the children.

During an incident investigation, it was determined that on August 8, 2011, that center staff did not supervise an independent contractor as required while he was in the presence of children in care. While the contractor was alone in a classroom with five children, ages three years to six years, he inappropriately touched a six-year-old child and was subsequently arrested and charged with Sexual Battery.

The failure of the center staff to provide appropriate supervision of an independent contractor placed children at serious risk of harm.

3. Rule 591-1-1.29(1)(a) requires that suspected incidents of child abuse, neglect or deprivation shall be reported to the local County Department of Family and Children Services in accordance with state law.

During an incident investigation, it was determined that on August 8, 2011, a six-year-old child was inappropriately touched by an adult male present at the center who contracted to provide karate lessons. Center staff indicated that the incident was not immediately reported to the Department of Family and Children Services (DFCS) or Bright from the Start because staff were told by the police department that it was an open investigation and that they should not speak to anyone. The police did not specifically tell center staff not to report to Bright from the Start or DFCS, nor did center staff ask about this.

The failure of the center to report suspected incident of child abuse placed children at serious risk of harm.